

House Elections Finance and Policy Committee – H.F. 642

Testimony of David Fisher on behalf of Clean Elections Minnesota, Wednesday, 02.01.2023

Chair Freiberg, members of the Committee, my name is David Fisher. I am here on behalf of Clean Elections Minnesota in support of H.F. 642 – to help ensure that a majority of voters in our Republic elect the President of the United States.

15 states and the District of Columbia have adopted this law, jurisdictions that together have 195 Electoral Votes or more than 72% of those needed to elect.

Our Electoral College system has allowed a candidate who lost the national popular vote to nevertheless win the Presidency five times in our Nation's history, and there have been 2 near-misses. It defies Lincoln's charge for a government of the people, by the people, for the people. *[(1824, 1876, 1888, 2000, 2016, and arguably 1960)] [(near misses:2020 and 2004)]*

And the system encourages presidential campaigns to focus disproportionately on a limited set of swing states where small changes in the popular vote can produce large changes in the Electoral College vote. A study by FairVote shows that in 2004 candidates confined 3/4ths of their peak season campaign resources to just 5 states, while the other 45 states received little attention and that 18 states received no candidate visits and no TV advertising.

In effect, the Electoral College system disenfranchised almost 3 million voters 2016, and almost did so again in 2020 for over 7,000,000 voters, because their votes were not relevant.

It's a fundamental principle of representative government that ultimate power is held by the people – who alone select their representatives. **And it's enshrined in our Constitution as the very purpose of our decennial census.**

For these reasons I urge you to support H.F. 642 and instill integrity to our presidential election process.

Q&A suggestions:

Because the NPV initiative does not create a "new interstate governmental apparatus" and because "cooperating states acting together would be exercising no more power than they are entitled to wield individually", the initiative does not constitute an interstate agreement and cannot contravene the Compact Clause of the U.S. Constitution.

The initiative does not alter the power of non-agreeing state governments because all state governments retain their right to select electors as each state chooses. The Elections Clause of Article II, Section I, states that "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress".